



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

July 16, 2021

Re: FOIA Case No. NLRB-2021-000944

Dear Forest Gregg (MuckRock News):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, submitted on Sunday, June 6, 2021, and officially received on Monday, June 7, 2021, where you initially sought “records sufficient to determine the number of voluntary employee union recognitions resulting from a card-check process in the year 2020. If available, please provide records about individual recognitions with such fields as employer, location, description of bargaining unit, union, size of unit, and number of cards.” You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on June 6, 2021. By emails on July 1 and July 6, 2021, a member of my staff explained, among other things, the type of voluntary recognition process data that the Agency maintains, and that voluntary recognition by employers is not necessarily done by a “card check” process. In response, by email on July 15, 2021, you modified your request to “provide records sufficient to determine the number of voluntary employee union recognitions in the year 2020. If available, please provide records about individual recognition with such fields as employer, location, description of bargaining unit, union, and size of unit, and any other non-exempt fields on Form NLRB-5581.”

We have interpreted your modified request to be seeking Voluntary Recognition (VR) data for the year 2020, which we can search for and provide to you in the form of a spreadsheet. Given this modification, a search of the Agency’s electronic casehandling system, NxGen, has been conducted, in addition to the electronic spreadsheet records maintained by the Agency’s Division of Operations-Management for each individual Regional office for the purpose of recording VR cases. These searches produced the requested data fields for VR cases filed with the Agency during Calendar Year 2020, which is being provided to you in the attached Excel spreadsheet. Please note that this data represents only the voluntary recognitions that are reported to the Agency; there is no regulation mandating voluntary recognitions by employers be reported. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person “actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request.

You may contact Jodilyn Breirather, the FOIA Specialist who processed your request, at (202) 368-1927 or by email at Jodilyn.Breirather@nrlrb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Forest Gregg
July 16, 2021
Page 3

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nlrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (one Excel spreadsheet)